

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ihle *et al.*

Appl. No.: 08/665,574

Filed: June 18, 1996

For: **Programmed Cell Death Genes and Proteins**

Art Unit: 1622

Examiner: Hauda, K.

Atty Docket: 0656.0370002/SLF/LBB

**Declaration Under 37 C.F.R. § 1.804(b) of James Ihle, Ph.D.**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The undersigned, James Ihle declares and states that:

1. I am an original inventor of the above-captioned patent application.
2. On behalf of St. Jude Children's Research Hospital I authorized the deposit of the plasmid identified as "JAK3 Kinase Plasmid DNA in pBluescript SK +/- (pBSK)" that, on information and belief, was received and accepted by the American Type Culture Collection ("ATCC"), 10801 University Blvd. Manassas, VA 20110 USA on February 7, 2000. The deposited plasmid was assigned ATCC designation no. PTA-1338. A copy of the deposit receipt signed by the Administrator of the ATCC Patent Depository stating that the date of deposit for the above-listed culture was February 7, 2000 is attached.

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3. On information and belief, the ATCC is an International Depository Authority recognized under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

4. On information and belief, after issuance of the patent, the ATCC will make the deposits available to anyone who requests them subject to 37 C.F.R. § 1.808(a)(2).

5. The above-identified biological material which was deposited is the same biological material which is specifically identified in U.S. Application No. 08/665,574 as filed. Reference to the biological material can be found in the application at page 117 lines 21-23.

6. The deposited biological material was in the possession of my laboratory at least as of the filing date of U.S. Application No. 08/282,012 on July 29, 1994 (parent of U.S. Application 08/665, 574) until it was sent to the ATCC on February 7, 2000.

7. The undersigned further declares that all statements made herein of his own knowledge are true, and all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment, or both, under § 1001 of Title 18, United States

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Code, and that such willful false statements may jeopardize the validity of any application or patent issued thereon.

Signed: 

James Ihle, Ph.D.

Date: 

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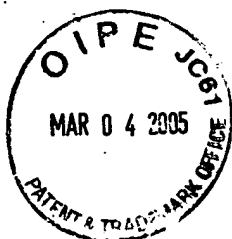
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ATCC BEST AVAILABLE COPY

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**AMERICAN TYPE CULTURE COLLECTION**

10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: 703-365-2700  
Fax: 703-365-2745

**FACSIMILE**

**Date:** February 17, 2000

**To:** Lawrence B. Bugnicky  
Sterne Kessler et al.

**Fax Number:** 202 371 2540

**From:** ATCC Patent Depository Number of pages: 1 (Including this page)

**REFERENCE:** Patent deposit submitted on behalf of St. Jude Children's  
Research Hospital/Dr. James Ihle, Ph.D.  
(Ref. 0636.0370002/SLF/LBB)

JAK3 Kinase Plasmid DNA in pBluescript SK +/- (pBSK) assigned PTA-1338.

Date of Deposit: February 7, 2000. Paperwork will be forwarded to you in a few days. An invoice will be sent under separate cover:

One time fee - 30 years	\$ 1100.00
Viability Test	<u>200.00</u>
<b>Total amount to PTA-1338</b>	<b>\$ 1,300.00</b>

  
Barbara E. Coupé, Administrator  
ATCC Patent Depository

**NOTE: NEW PRICE STRUCTURE BEGINNING FEBRUARY 1, 2000**

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FROM: BIOCHEMISTRY